



#24
PATENT
Attorney Docket No.: ST96030-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

DEC 24 2002

TECH CENTER 1600/2900

In re application of:

Lauren BRACCO *et al.*

Appl. No.: 09/297,181

Filed: April 26, 1999

For: ANTI P-53 SINGLE-CHAIN ANTIBODY
FRAGMENTS AND THEIR USES

Art Unit: 1636

Examiner: Samuel Kaushal

Assistant Commissioner for Patents
Washington DC 20231

RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement in Paper No. 23, applicants elect the claims of Group I, with traverse.

REMARKS

The Patent Office asserts that restriction is required in this case. However, Paper No. 23 fails to satisfy the requirement for showing a serious burden in examining the claims together. Without a serious burden, the requirement for restriction should be withdrawn. *See* M.P.E.P. § 803. In this case, the two groups of claims relate to antibodies and to nucleic acids that can be used to make the antibodies or similarly functioning antibodies. The subject matter of the two groups is so related that any search for the antibodies, for example, would encompass the nucleic acids that encode them. None of the reasons given for the restriction requirement implicate a serious burden. Accordingly, applicants request reconsideration and withdrawal of the restriction requirement.

If any fees, petitions, or requests for extension of time are required in order to enter or consider this paper, enter or consider any of the claims submitted, enter or consider any paper accompanying this paper, or keep this application or the previous application pending, applicants